

CHAPTER 1055**RECORDING OF INSTRUMENTS IN COUNTY RECORDER'S OFFICE***H.F. 2401*

AN ACT relating to the recording duties of county recorders for limited partnerships, corporations for profit, cooperative associations, and nonprofit corporations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 331.602, subsections 26, 28, 29, and 33, Code 1993, are amended by striking the subsections.

Sec. 2. Section 331.607, subsection 6, Code 1993, is amended by striking the subsection.

Sec. 3. Section 487.206, subsection 3, Code 1993, is amended by striking the subsection.

Sec. 4. Section 491.5, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Before commencing any business except their own organization, they must adopt articles of incorporation, which must be signed and acknowledged by the incorporators. Said articles shall then be forwarded to the secretary of state. Upon the filing of such articles, the secretary of state shall issue a certificate of incorporation and record said articles in a book kept for that purpose. ~~The secretary of state shall then forward said articles to the county recorder of deeds of the county where the principal place of business is to be located, there to be recorded in a book kept therefor, and the recorder shall endorse thereon the book and page where the record will be found.~~

Sec. 5. Section 491.23, Code 1993, is amended to read as follows:

491.23 DISSOLUTION — NOTICE OF — FILING WITH SECRETARY OF STATE.

A corporation may be dissolved prior to the period fixed in the articles of incorporation, by unanimous consent, or in accordance with the provisions of its articles, and notice thereof must be given in the same manner and for the same time as is required for its organization; provided, however, that the notice of such dissolution shall be deemed sufficient if signed by the officers of such corporation and published as required by law. Notice thereof shall also be given by the filing in the office of the secretary of state the proof of publication of notice of dissolution and said proof shall be recorded by the secretary of state in the same manner as the recording of amendments, and a recording fee of one dollar shall apply thereto; ~~and the secretary of state shall forward said proof of publication to the county recorder of the county wherein the corporation maintains its place of business, there to be recorded in a book kept therefor.~~

Sec. 6. Section 491.27, Code 1993, is amended to read as follows:

491.27 EXECUTION OF RENEWAL — RECORD REQUIRED.

After the ~~said~~ action of the stockholders for the renewal of any corporation, a certificate, showing the proceedings resulting in ~~such~~ the renewal, sworn to by the president and secretary of the corporation, or by ~~such~~ other officers as may be designated by the stockholders, together with the articles of incorporation, which may be the original articles of incorporation or amended and substituted articles, shall be filed with the secretary of state and be recorded by the secretary in a book kept for that purpose. ~~The secretary of state shall then forward said renewal articles to the recorder of deeds of the county where the principal place of business is located, and the recorder shall record said renewal articles and endorse thereon the book and page where the record will be found.~~

Sec. 7. Section 491.33, Code 1993, is amended to read as follows:

491.33 FOREIGN INSURANCE COMPANIES BECOMING DOMESTIC.

The secretary of state upon a corporation complying with the provisions of this section and upon the filing of articles of incorporation and upon receipt of the fees as provided in this chapter shall issue a certificate of incorporation as of the date of the corporation's original incorporation in its state of original incorporation. The certificate of incorporation shall state on its face

that it is issued in accordance with the provisions of this section. The secretary of state shall forward said articles as provided in this chapter to the county recorder where the principal place of business of the corporation is to be located. The secretary of state shall then notify the appropriate officer of the state or country of the corporation's last domicile that the corporation is now a domestic corporation domiciled in this state. This section applies to life insurance companies, and to insurance companies doing business under chapter 515.

Sec. 8. Section 491.107, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A duly executed and acknowledged copy of the articles of merger or consolidation shall be forwarded to the secretary of state for filing and recording as provided in section 491.5; and if a new corporation is created under the provisions of this chapter as the result of consolidation or if an existing Iowa corporation becomes the survivor corporation as the result of a merger the secretary of state shall then forward said articles to the county recorder of deeds of the county where the principal place of business of the new corporation or the existing Iowa corporation is located as provided in section 491.5.

Sec. 9. Section 497.3, Code 1993, is amended to read as follows:

497.3 FILING — CERTIFICATE OF INCORPORATION.

The original articles of incorporation of associations organized under this chapter shall be filed with the secretary of state, and be by the secretary recorded in a book kept for that purpose; and if such articles comply with the provisions of sections 497.1 and 497.2, the secretary shall issue a certificate of incorporation to the association. The secretary of state shall then forward said articles of incorporation to the recorder of deeds of the county where the principal place of business is to be located, and the same shall be there recorded by such recorder who shall indorse thereon the book and page where the record will be found and the date of the record. No publication of notice of the incorporation of such an association shall be required.

Sec. 10. Section 497.4, Code 1993, is amended to read as follows:

497.4 FEE.

For filing the articles of incorporation of associations organized under this chapter, there shall be paid to the secretary of state ten dollars, and for the filing of an amendment to such articles, five dollars; provided that when the capital stock of such corporation shall be less than five hundred dollars, such fee for filing either the articles of incorporation or amendments thereto shall be one dollar. In all cases there shall be paid a recording fee of fifty cents per page. For recording copy of such articles, the recorder of deeds shall receive the usual fee for recording.

Sec. 11. Section 497.9, Code 1993, is amended to read as follows:

497.9 RECORD OF AMENDMENTS.

Within thirty days after the adoption of an amendment to its articles of incorporation, an association shall cause a copy of such the amendment adopted to be recorded in the office of the secretary of state and of the recorder of deeds of the county where its principal place of business is located.

Sec. 12. Section 497.29, Code 1993, is amended to read as follows:

497.29 CHAPTER EXTENDED TO FORMER COMPANIES.

All co-operative corporations, companies, or associations heretofore organized and doing business under prior statutes, or which have attempted to so organize and do business, shall have the benefit of all the provisions of this chapter and be bound thereby, on filing with the secretary of state and the county recorder of the county in which the principal place of business is located, amended and substituted articles of incorporation drawn in accordance with the provisions of this chapter and a written declaration, signed and sworn to by the president and secretary to the effect that said co-operative company or association has by a majority vote of its stockholders decided to accept the benefits of and to be bound by the provisions hereof.

Sec. 13. Section 499.43A, subsection 2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The instrument shall be filed with the secretary of state and with the county recorder in the county in which the principal office of the cooperative association is located. The cooperative association shall amend its articles of incorporation pursuant to section 499.41 to comply with the provisions of this chapter. The secretary of state shall not file the instrument unless the cooperative association is in compliance with the provisions of chapter 498 at the time of filing. A cooperative association shall file an annual report which is due pursuant to section 499.49. Upon filing the instrument with the secretary, all of the following shall apply:

Sec. 14. Section 499.67, unnumbered paragraph 2, Code 1993, is amended to read as follows: The articles of merger or articles of consolidation shall be delivered to the secretary of state for filing, and shall be filed and recorded in the office of the county recorder.

Sec. 15. Section 504A.32, subsection 2, Code Supplement 1993, is amended to read as follows: 2. Except for a statement of change of registered office or registered agent filed pursuant to section 504A.9 or 504A.73, and an annual report filed pursuant to section 504A.83, any instrument required to be filed and recorded in the office of the secretary of state only, shall be returned by the secretary to the corporation or its representative. Any instrument required to be filed and recorded in the office of the county recorder shall be returned by the recorder to the corporation or its representative.

Sec. 16. REPEAL. Section 491.4, Code 1993, is repealed.

Approved April 8, 1994

CHAPTER 1056

CITY UTILITY AND ENTERPRISE SERVICES — RATES AND CHARGES

S.F. 216

AN ACT relating to rates and charges for city utility and enterprise services by authorizing their collection as combined service accounts, authorizing the discontinuance of services in the event of nonpayment, and providing uniform notice procedures prior to discontinuance of service and prior to certification of lien for nonpayment.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 384.80, Code 1993, is amended by adding the following new subsections: **NEW SUBSECTION. 2A.** "Combined service account" means a customer service account for the provision of two or more utility or enterprise services, regardless of whether those services are being provided by a single city, or by any combination of city utilities, combined utility systems, city enterprises, or combined city enterprises of one or more cities.

NEW SUBSECTION. 5A. "Landlord" means the owner of record of a rental property, or a real estate manager or management company appointed by the owner to administer rental property.

NEW SUBSECTION. 7A. "Owner" means the owner of record as reflected in the records of the county treasurer.

Sec. 2. Section 384.84, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

384.84 RATES AND CHARGES — BILLING AND COLLECTION — CONTRACTS.

1. The governing body of a city utility, combined utility system, city enterprise, or combined city enterprise may establish, impose, adjust, and provide for the collection of rates and charges to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the city utility, combined utility system, city enterprise, or combined city enterprise. When revenue bonds or pledge orders are issued and outstanding pursuant to this